	<b>US DOT #</b> 3691011	<b>Legal:</b> LETS MOVE LLC <b>Operating (DBA):</b> LET'S MOVE			
<b>MC/MX #:</b>		<b>State #:</b> THG70281		<b>Federal Tax ID:</b>	
<b>Review Type:</b> Compliance Review (CR)					
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.			<b>Territory:</b>
<b>Operation Types</b>		<b>Interstate</b>	<b>Intrastate</b>		
<b>Carrier:</b>	N/A		Non-HM	<b>Business:</b> Corporation	
<b>Shipper:</b>	N/A		N/A	<b>Gross Revenue:</b> \$150,000.00	
<b>Cargo Tank:</b>	N/A			<b>for year ending:</b> 12/31/2023	
<b>Company Physical Address:</b>					
15733 35TH DR SE BOTHELL, WA 98012					
<b>Contact Name:</b> Dominic Benedetto					
<b>Phone numbers:</b> (1) 425-522-2449		(2) 425-522-3683		<b>Fax</b>	
<b>E-Mail Address:</b> book@letsmoveyourstuff.com					
<b>Company Mailing Address:</b>					
15733 35TH DR SE BOTHELL, WA 98012					
<b>Carrier Classification</b>					
Authorized for Hire					
<b>Cargo Classification</b>					
Household Goods					
<b>Equipment</b>					
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>		<b>Owned Term Leased Trip Leased</b>
Truck	1	0	0	:	
Power units used in the U.S.: 1					
Percentage of time used in the U.S.: 100					
<b>Does carrier transport placardable quantities of HM?</b> No					
<b>Is an HM Permit required?</b> N/A					
<b>Driver Information</b>					
	<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month:</b> 0		
< 100 Miles:		3	<b>Total Drivers:</b> 3		
>= 100 Miles:			<b>CDL Drivers:</b> 0		



	<b>LET'S MOVE (LETS MOVE LLC dba)</b> U.S. DOT #: 3691011	Review Date: 03/28/2024
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**Part A**

QUESTIONS regarding this report may be addressed to the Office of Motor Carriers at:

Sandra Yeomans  
P.O. Box 47250, Olympia, WA 98504-7250  
[cell \(360\)701-1602](tel:3607011602) or [sandra.yeomans@utc.wa.gov](mailto:sandra.yeomans@utc.wa.gov)

**This report will be used to assess your safety compliance.**

<b><u>Person(s) Interviewed</u></b>	
<b>Name:</b> Dominic Benedetto	<b>Title:</b> Co-Owner
<b>Name:</b> Vincent Benedetto	<b>Title:</b> Co-Owner



	<b>LET'S MOVE (LETS MOVE LLC dba)</b> U.S. DOT #: 3691011	State #: THG70281	Review Date: 03/28/2024
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**Part B Violations**

1 STATE <b>CRITICAL</b>	Primary: 391.45(a) Secondary: 391.11(a) CFR Equivalent: 391.45(a)	<b>Discovered</b> 3	<b>Checked</b> 3	<b>Drivers/Vehicles</b> <b>In Violation</b> 3 <b>Checked</b> 3
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**Description**  
Using a driver not medically examined and certified.

**Example**  
Driver Name: Brian Tyler  
Trip Date: 1/29/2024  
Description of Violation: Failure to acquire a medical certification before operating a commercial motor vehicle.

Driver Name: Dominic Benedetto  
Trip Date: 2/9/2024  
Description of Violation: Failure to acquire a medical certification before operating a commercial motor vehicle.

Driver Name: Vincent Benedetto  
Trip Date: 2/8/2024  
Description of Violation: Failure to acquire a medical certification before operating a commercial motor vehicle.

2 STATE <b>CRITICAL</b>	Primary: 391.51(a) CFR Equivalent: 391.51(a)	<b>Discovered</b> 2	<b>Checked</b> 2	<b>Drivers/Vehicles</b> <b>In Violation</b> 2 <b>Checked</b> 2
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**Description**  
Failing to maintain driver qualification file on each driver employed.

**Example**  
Driver Name: Dominic Benedetto  
Trip Date: 2/9/2024  
Description of Violation: Failure to maintain a driver qualification for each driver.

Driver Name: Vincent Benedetto  
Trip Date: 2/8/2024  
Description of Violation: Failure to maintain a driver qualification for each driver.

3 STATE <b>CRITICAL</b>	Primary: WAC 480-15-555 Secondary: RCW 81.80.132 CFR Equivalent: 392.2	<b>Discovered</b> 4	<b>Checked</b> 4	<b>Drivers/Vehicles</b> <b>In Violation</b> 4 <b>Checked</b> 4
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**Description**  
Failure to complete a criminal background check for every person the carrier intends to hire.

**Example**  
Driver Name: Brian Tyler  
Trip Date: 1/29/2024  
Description of Violation: Failure to perform a criminal background check.

Also in violation: Anders Haugen, Aleejandro Higgins-Sanchez, and Jacob Dalton (helpers).



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**Part B Violations**

4 STATE <b>CRITICAL</b>	Primary: 395.8(a)(1) CFR Equivalent: 395.8(a)(1)	<b>Discovered</b> 60	<b>Checked</b> 90	<b>Drivers/Vehicles</b> <b>In Violation</b> 2 <b>Checked</b> 3
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**Description**  
Failing to require driver to make a record of duty status.  
Driver Name: Dominic Benedetto  
Trip Date: 2/9/2024  
Description of Violation: Failure to make a record of duty status.

Driver Name: Vincent Benedetto  
Trip Date: 2/8/2024  
Description of Violation: Failure to make a record of duty status.

5 STATE	Primary: 390.19(b)(2) CFR Equivalent: 390.19(g)	<b>Discovered</b> 1	<b>Checked</b> 1	<b>Drivers/Vehicles</b> <b>In Violation</b> 1 <b>Checked</b> 1
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**Description**  
Failing to file the appropriate form under 390.19(a) (MCS-150, 150B, or 150C) each 24 months according to the schedule.

**Example**  
Driver Name: Brian Tyler  
Trip Date: 1/29/2024  
Description of Violation: Failure to update MCS-150 with correct amount of vehicles and drivers.

6 STATE	Primary: 391.31(g)(1)	<b>Discovered</b> 1	<b>Checked</b> 1	<b>Drivers/Vehicles</b> <b>In Violation</b> 1 <b>Checked</b> 1
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**Description**  
Failing to maintain a copy of road test in driver qualification file.

**Example**  
Driver Name: Brian Tyler  
Trip Date: 1/29/2024  
Description of Violation: Failure to maintain copy of road test in driver qualification file.

7 STATE	Primary: 396.17(a) CFR Equivalent: 396.17(a)	<b>Discovered</b> 1	<b>Checked</b> 1	<b>Drivers/Vehicles</b> <b>In Violation</b> 1 <b>Checked</b> 1
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**Description**  
Using a commercial motor vehicle not periodically inspected.

**Example**  
Vehicle: 4KLB4B1R2XJ003766  
Trip Date: 2/9/2024  
Description of Violation: Using a commercial motor vehicle that has not received an annual inspection.


8 STATE	Primary: WAC 480-15-480 Secondary: 392.2	<b>Discovered</b> 1	<b>Checked</b> 1	<b>Drivers/Vehicles</b> <b>In Violation</b> 1 <b>Checked</b> 1
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**Description**  
Failing to provide annual report to Utilities and Transportation by May 1 of each year.

**Example**  
Driver Name: Brian Tyler  
Trip Date: 1/29/2024  
Description of Violation: Failure to complete annual report by May 1, 2023.





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<b>Part B Requirements and/or Recommendations</b>		

**1. Safety Management Plan Requirement**

Within 60 days, send and have approved, a safety management plan to the UTC describing what actions you have taken in response to this review to ensure that you are complying with the Motor Carrier Safety Regulations.

Identify each violation and why the violations were permitted to occur.

Address the actions taken to correct the deficiency or deficiencies that allowed the violations to occur. Include actual documentation of this corrective action (new policies, procedures, training programs etc.).

Outline actions taken to ensure that similar violations do not reoccur in the future. Include actual documentation of this corrective action (new policies, procedures, training programs etc.).

Address your response to:

Washington Utilities and Transportation Commission  
Attention: Jason Sharp  
PO Box 47250  
Olympia, WA 98504-7250  
(360) 701-1603  
or jason.sharp@utc.wa.gov

**2. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures**

**DESCRIPTION OF PROCESS BREAKDOWN:** The carrier failed to establish policies and procedures to verify driver eligibility. This resulted in drivers not having driver qualification files and documentation not being kept.

**BASIC SPECIFIC RECOMMENDED REMEDIES**

**Implement Safety Improvement Practices:** The following are recommended practices related to Policies and Procedures.

Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.

Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation.


Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.

Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.

Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.

Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences



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for any carrier official who knowingly and willfully allows Driver Fitness Violations.

**3. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Roles and Responsibilities**

DESCRIPTION OF PROCESS BREAKDOWN: Carrie did not separate the roles of owner and driver. This resulted in hours of service not being kept for the time the owners were driving commercial motor vehicles.

**BASIC SPECIFIC RECOMMENDED REMEDIES**

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

Define and document roles and responsibilities of managers and supervisors for monitoring compliance with Hours-of-Service (HOS) policies.

Ensure that managers are responsible for reviewing Records of Duty Status (RODS) for accuracy and for disciplining those who falsify their logs.

Assign responsibility for making sure that all Records of Duty Status (RODS) are collected and stored for six months.


Prior to accepting shipments, ensure that dispatchers are responsible for mapping out routes, asking drivers how many hours they have driven recently, and verifying that the route can be completed without breaking Hours-of-Service (HOS) regulations.

Ensure that drivers are responsible for informing the carrier when they are sick, keeping accurate Records of Duty Status (RODS), and planning their route so that it can be completed efficiently within Hours-of-Service (HOS) rules.

Define and document roles and responsibilities of drivers and dispatchers as they pertain to Hours-of-Service (HOS) policies and procedures.

4. Each carrier must complete and maintain a criminal background check for every person the carrier intends to hire for the full time of employment and three years thereafter. No carrier may hire a person who has been convicted of any crime involving theft, burglary, assault, sexual misconduct, identity theft, fraud, false statement, or the manufacture, sale, or distribution of a controlled substance within the past five years.
5. All vehicles must be periodically inspected before initial use and then annually according to appendix A.
6. Motor carriers must ensure that persons performing periodic inspections are qualified.
7. The carrier must ensure that the employees responsible for brake inspection, maintenance, service, or repairs meet minimum brake inspector qualifications.
8. Carrier must place note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners in driver qualification file(s)
9. "Is Your Registration Information Current?  
FMCSA requires carriers to update their registration data via a MCS-150 form every 24 months. Please review, verify and update your contact information, Vehicle Miles Travelled (VMT) and Power Unit (PU) data to ensure that it is current and accurate, since it is used in the new Carrier Safety Measurement System. You should access the system, review all the information and press the submit button. Once you've done this, the system will record that you've reviewed the information and you will be in compliance with the biennial update requirement.  
[https://li-public.fmcsa.dot.gov/LIVIEW/PKG\\_REGISTRATION.prc\\_option](https://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option)  
"



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10. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
11. Do not allow drivers to drive intrastate unless they have been physically re-examined each 24 months.
12. Required information for employment application as noted in violation 391.25(b):
  1. Company name and address.
  2. Applicant name, address, date of birth, and social security number.
  3. Three years of residence.
  4. Application date.
  5. License number, state, and expiration.
  6. Driving experience, equipment driven.
  7. Three-year crash and traffic history.
  8. License restraint history with explanation.
  9. Three years employment with reason for leaving, commercial vehicle use, and controlled substance and alcohol program.
  10. Add seven years employment for commercial driver's license.
  11. Signature of driver with statement.
13. Carrier must file an annual report with the Utilities and Transportation Commission to pay regulatory fees no later than May 1 of each year. .
14. Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.


NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:  
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also






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<b>Part B Requirements and/or Recommendations</b>		

affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the UTC during this review may be used to calculate any civil penalty proposed as a result of this review.

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

Sandi Yeomans  
Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250  
Email: sandra.yeomans@utc.wa.gov



	<b>LET'S MOVE (LETS MOVE LLC dba)</b> U.S. DOT #: 3691011	State #: THG70281	Review Date: 03/28/2024
<b>Part C</b>			

**Reason for Review:** Compliance Review  
**Planned Action:** Compliance Monitoring

**Parts Reviewed Certification:**

325 382 383 387 390 391 392 393 395 396 397 398 399 171 172 173 177 178 180  
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Prior Reviews      Prior Prosecutions

**Unsat/Unfit Information**

**Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?**

**Does carrier transport placardable quantities of hazardous materials?**

**Unsat/Unfit rule:** Not Applicable

**Corporate Contact:** Dominic Benedetto  
**Corporate Contact Title:** Co-Owner

**Special Study Information:**

**Remarks:**

INVESTIGATIVE REPORT RECEIVED BY:  
Name: Doninic Benedetto and Vincent Benedetto  
Title: Owners  
Carrier/Shipper Name: Let's Move LLC  
Closing Date: March 28, 2024

**REASON FOR THE INVESTIGATION:**

As part of the 2023 Motor Carrier Safety work plan, this investigation was assigned to Sandi Yeomans, Special Investigator from the Washington Utilities and Transportation Commission (commission).

**SCOPE OF THE INVESTIGATION:**

The investigation was assigned to Special Investigator Sandi Yeomans on February 1, 2024. The carrier was contacted on February 6, 2024, and a full investigation was set for February 13, 2024, 2720 Rucker Ave, Everett, WA 98201. Present at the start of the review were Special Investigators Sandi Yeomans along with company representatives Dominic Benedetto and Vincent Benedetto (Co -Owner).


SMS was checked on February 12, 2024, and it was noted no BASICS were in alert status.

**CARRIER OPERATION DESCRIPTION:**

Let's Move LLC is a provisional intrastate household good company operating primarily in the Everett area. The carrier is an intrastate carrier operating under DOT number 3691011, for intrastate work. The carrier began operations in October 2020. The principal place of business (PPOB) is 2720 Rucker Ave, Everett, WA 98201. The principal place of business is leased by the carrier. The carrier keeps all paperwork at their residence located at 15733 35th Dr SE, Bothell, WA 98012. The carrier currently employs three drivers. The carrier currently owns one vehicle used in the relocating of intrastate household goods. Total gross revenue for the year ending December 31, 2023, was \$150,000.00 as reported by Dominic Benedetto. The carrier is not and has not been involved in emergency relief efforts in the previous 365 days. Vehicle miles traveled (VMT) for calendar year 2023 was 20,000 miles, also reported by Dominic Benedetto.

**PRE-INVESTIGATION:**



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On February 6, 2024, a carrier information packet was emailed to the carrier requesting investigation information, the records that would need to be reviewed, and the information the carrier would need to make available. The carrier was requested to fill-out and return the carrier information packet with a list of all commercial motor vehicle drivers utilized in the past 12 months and a list of all commercial motor vehicles utilized in the last 12 months prior to the start of this investigation. The carrier packet was completed and returned via email on February 12, 2024. This is the carrier's initial investigation.

A copy of the carrier's profile was obtained through MCMIS on February 12, 2024.

**CDLIS (DRIVER LICENSE) CHECK:**

Let's Move LLC currently employs three drivers. Driver licenses were checked for Brian Tyler, Dominic Benedetto, and Vincent Benedetto through the Washington State Department of licensing. All drivers showed current licenses and no violations.

**AUTHORITY:**

The carrier is an authorized household goods carrier operating in intrastate commerce and required to have operating authority. Let's Move LLC operates under the USDOT number 3691011 and has intrastate authority through the Commission under permit number THG70281.

Let's Move LLC is not up to date in its annual report and regulatory fees.

One violation of WAC 480-15-480 for failing to submit annual report to the commission by May 1, 2023.

The carrier is inactive with the secretary of state.

**INSURANCE**

Let's Move LLC is required to maintain a minimum level of public liability of \$750,000 and \$20,000 cargo insurance. A check with the carrier's insurance shows a \$1,000,000 Auto Liability with National Indemnity Company and \$100,000 cargo insurance with Century Security Company. See Part 387.

**RED FLAG DRIVERS:**

A&I (SMS) was checked through Portal on February 12, 2024, and the carrier has had no drivers with red flag violations in the last 365 days.

**DRUG AND ALCOHOL SUPPLEMENTAL REVIEW:**

This is a full comprehensive investigation therefore a Drug and Alcohol Supplemental Review was not required.

**HAZARDOUS MATERIALS SUPPLEMENTAL REVIEW:**

Let's Move LLC does not transport any hazardous materials. A Hazardous Materials Supplemental Review is not required.

**INVESTIGATION:**

This is a comprehensive investigation that checked Parts 376, 380, 382, 383, 387, 390, 391, 392, 393, 395 and 396.


Parts 171, 172, 173, 177, 178, 180, & 397 Hazardous Materials

Let's Move LLC does not transport any hazardous materials. These Parts were not required to be checked.

Part 40 and Part 382:

Let's Move LLC operates a vehicle under 26,001 lbs. and is not required to have a controlled substance and alcohol testing program.



	<b>LET'S MOVE (LETS MOVE LLC dba)</b> U.S. DOT #: 3691011	Review Date: 03/28/2024
<b>Part C</b>		

Part 376 Lease and Interchange of Vehicles:

Let's Move LLC does not lease vehicles.

Part 380 Special Training:

Let's Move LLC does not operate long combination vehicles (LCVs). The carrier has not employed drivers that meet the definition of entry level driver.

Part 383 Commercial Drivers' License:

Let's Move LLC does not operate vehicles with a gross vehicle weight over 26,001 lbs. that would require a driver to have a commercial drivers' license.

Part 387 Financial Responsibility:

The carrier's vehicle is insured by ISU Insurance Solutions Group, agent for National Indemnity Company for limited liability insurance policy number is 72 TRS 129059 and cargo insurance policy number is CCP 118699. The insurance agent is David Baron located at 14623 NE Woodinville Way #206, Woodinville, WA 98072. Contact number is (425) 426-7834. Investigator verified the carrier maintained \$1,000,000 in Auto Liability coverage and \$100,000 in cargo insurance without a lapse in the last 365 days. The insurance policy matches the Form E on file with the commission.

Part 390 General FMSCR:

The carrier has not been involved in any recordable accident in the last 365 days. MCS-150 is not current with the schedule.

One violation of 390.19(b)(2) for failing to update MCS-150 every 24 months.

Part 391 Qualification of Drivers:

Driver Qualification Files were inspected for drivers Brian Tyler, Dominic Benedetto, and Vincent Benedetto. Dominic Benedetto and Vincent Benedetto did not have driver qualification files at the time of this investigation. The following violations were discovered.

One violation of 391.31(g)(1) for failing to maintain a copy of road test.

Three critical violations of 391.45(a) for allowing a driver to drive without medical certification.

The carrier allowed drivers to drive on 56 occasions without medical certification between August 11, 2023, and January 30, 2024.


Dominic Benedetto drove on 23 occasions:

- August 11, 21, 26, 28, and 31 (5)
- September 1, 7, 10, 13, 22, 24, and 29 (7)
- October 6, 20, and 29 (3)
- November 4, 12, and 14 (3)
- December 1, 6, and 21 (3)
- January 11 and 12 (2)

Vincent Benedetto drove on 19 occasions:

- August 16, 19, and 30 (3)
- September 1, 3, 5, 11, 14, and 20 (6)
- October 9, 10, 13, and 15 (4)
- November 29 and 27 (2)
- December 28 (1)



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January 23, 26, and 30 (3)

Brian Tyler drove on 14 occasions:

- September 16 (1)
- October 1, 12, 14, 21, 24, and 28 (6)
- November 16 (1)
- December 12, 14, and 26 (3)
- January 13, 22, and 29 (3)

Two critical violations of 391.51(a) for failure to maintain driver qualifications file for each driver.

Four critical violations of WAC 480-15-555 for failing to acquire a criminal background check prior to hire.

In accordance with FMCSA Memorandum MC-ECS-2012-004 medical certificates for 25 percent of the driver qualification file sample size (3) were to be selected for verification. Let's Move LLC did not have medical certification. No cards were checked.

Part 392 - Driving of Commercial Motor Vehicles:

Let's Move LLC is an intrastate carrier and at the time of this investigation the carrier is not current on its annual regulatory fees.

One violation of WAC 480-15-480 for failing to submit annual report to the commission by May 1, 2023.

Dominic Benedetto was informed about using radar detectors and texting while driving is prohibited.

Part 395 - Hours of Service:

Let's Move LLC currently operates with three drivers. In accordance with eFOTM procedures, a sample size of three Record of Duty Status (RODS) is required to be checked for a 30-day period. RODs were checked from January 1, 2024, through January 30, 2024, for drivers Brian Tyler, Dominic Benedetto, and Vencent Benedetto.

Carrier utilizes the short-haul provision. The following violation was discovered.

Sixty critical violations of 395.8(a)(1) for failure to make record of duty status.

Part 393 & 396 - Maintenance and Inspection:

Let's Move LLC owns and operates one vehicle that is classified as commercial motor vehicle in intrastate commerce. A sample size of one vehicle maintenance file was required to be checked. Files were checked for vehicle 4KLB4B1R2XJ003766. The following violations were discovered.

One critical type violation of 396.17(a) for no periodic inspection.

Vehicle Inspections:

In accordance with eFOTM, a sample size of one vehicle was to be inspected. Vehicle 4KLB4B1R2XJ003766 was inspected. The following violations were discovered.

One violation of 393.95(a)(4) for unsecured fire extinguisher.


One violation of 393.95(b) for failure to have additional fuses.

Reports uploaded.

CLOSING INTERVIEW:

The closing interview was conducted on March 28, 2024 via email as requested by Dominic Benedetto. This investigation



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<b>Part C</b>		

resulted in a proposed "Unsatisfactory" safety rating.

The staff at Let's Move LLC were cooperative throughout the entire scope of this investigation. Technical assistance was also provided to the carrier during the process of this review.

**DOCUMENTS PROVIDED TO THE CARRIER:**

The carrier was provided with one copy of Parts A and B with requirements and recommendations, information on completing a safety management plan, and a web link to "Achieving a Satisfactory Motor Carrier Safety Record."

**FOLLOW-ON ACTION:**

Continued compliance monitoring. Require safety management plan. Penalties for violations 391.45(a), 391.51(a), 395.8(a)(1), and WAC 480-15-555. Cancel permit or extend provisional household goods permit with approval of safety management plan. Revisit within one year of closing interview.

<b>Upload Authorized:</b>	<b>Yes</b>	<b>No</b>	
<b>Authorized by:</b>			<b>Date:</b>
<b>Uploaded:</b>	<b>Yes</b>	<b>No</b>	<b>Failure Code:</b>
<b>Verified by:</b>			<b>Date:</b>



## How to request an upgrade to your INTRASTATE safety rating

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You have been assessed a proposed safety rating of **UNSATISFACTORY**, if you fail to obtain an improved rating within **45/60** days from the receipt of your proposed rating, the unsatisfactory rating will become final and you must cease operations.

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The Washington Utilities and Transportation Commission (UTC) allows motor carriers to request an upgrade of its safety rating based on corrective action as defined in 49 CFR, section 385.17. The request for an upgrade must include a written description of correction actions taken, documentation of these corrective actions, and an explanation of how its operations meet the safety standards and factors specified in 49 CFR sections 385.5 and 385.7.

Within 60 days from the receipt of your proposed rating, you may request, in writing, a change to your safety rating based on corrective actions. You should do so as soon as possible so the UTC has the opportunity to review and evaluate your safety management plan before the effective date of the final safety rating.

**If you fail to obtain an improved rating within 60 days from the receipt of your proposed rating, the conditional rating will become final and you must cease operations.**

### **You must develop a safety management plan:**

1. The plan must address each acute, critical, or serious violation on the most recent Compliance Review. Corrective actions to address other violations noted on your review must also be included. (All violations on the compliance report **must** be addressed in the SMP)
2. Identify why the violations were permitted to occur.
3. Discuss the actions taken to correct the deficiency or deficiencies that allowed the violations to occur. Include actual documentation of this corrective action. (For example: documentation may include items such as new policies and procedures, training programs and sign-in lists, or copies of new forms.
4. Outline actions taken to ensure that similar violations do not reoccur in the future. **YOU MUST DEMONSTRATE THAT YOUR OPERATIONS CURRENTLY MEET THE SAFETY STANDARD AND FACTORS SPECIFIED IN 49 CFR 385.5 and 385.7.** To do so, you must demonstrate that you now have adequate safety management controls in place which function effectively to ensure acceptable compliance with applicable safety requirements.
5. If your request includes actions that will be conducted in the near future, such as training, reorganization of departments, purchasing of computer programs, etc, include a detailed description of the activity or training and a schedule of when that activity will commence and when it will be completed.
6. Include any additional documentation relating to motor carrier safety and the prevention of crashes that you believe supports your request.
7. Include a written statement certifying the carrier will operate within federal and state regulations and the carrier's operation currently meets the safety standard and factors specific in 49 CFR 385.5 and 385.7. A corporate officer; partner, or the owner of the company must sign the statement.

You must submit your request to:  
Motor Carrier Safety Supervisor  
Jason Sharp  
[Jason.Sharp@utc.wa.gov](mailto:Jason.Sharp@utc.wa.gov)

Phone (360) 701-1603

## Checklist guidance for Safety Rating Upgrade Request Based on Corrective Action Passenger Carriers

At a minimum, the following must be addressed:

- All violations listed on the investigation
- An out of service rate 34% or more as listed on the compliance review
- Or UNSATISFACTORY crash rate as listed on the compliance review
- Any new OOS violations cited at the roadside since the compliance review or roadside violations related to those critical and/or acute violations cited in the compliance review
- How your corrective actions will improve your safety performance, including data captured by FMCSA's Safety Management System.
- Provide a list of all drivers used in the past 12 months. Include hire and termination dates, license numbers and dates of birth for each driver.

### **49 CFR Part 382**

#### **Drug and Alcohol Program -**

#### **49 CFR § 382.115(a) – Failing to implement an alcohol and/or controlled substances testing program (Acute)**

- Explain what safety management processes are broken or missing that allowed this violation to occur. If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include but is not limited to:
  - Proof of implementation of a drug and alcohol testing program
  - Evidence of pre-employment drug test results for all driver(s) - (§ 382.301)
  - Evidence that a driver no longer is employed by you
  - Evidence of a random testing program (e.g., a contract with a consortium or details of in-house program and a current list of the driver(s) subject to random testing and the list from the consortium) - (§ 382.305)
  - Evidence of the company's complete drug and alcohol testing policy - (§ 382.601(b))
  - Evidence of receipt of drug and alcohol testing policy for each driver - (§ 382.601(d))
  - Evidence that all designated supervisor(s) have received reasonable suspicion training (not applicable for a single driver who is an owner/operator)
  - Evidence of compliance with § 382.303 and § 382.605, if applicable

#### **Positive drug and/or alcohol tests and refusals -**

#### **49 CFR §382.201 – Using a driver known to have an alcohol concentration of 0.04 or greater (Acute),**

#### **49 CFR §382.211 – Using a driver who has refused to submit to an alcohol or controlled substances test required under Part 382 (Acute),**

#### **49 CFR §382.213(b) – Using a driver known to have used a controlled substance (Acute), and**

#### **49 CFR §382.215 – Using a driver known to have tested positive for a controlled substance (Acute).**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:



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- Identify the Designated Employer Representative (DER) - (§§ 40.3 and 40.35)
- Evidence of driver referral of Substance Abuse Professional (SAP) - (§ 40.287)
- Evidence of SAP evaluation, referral, and education/treatment process - (Part 40, Subpart O and §40.311(d)(9))
- Evidence of drug and/or alcohol return to duty test with results, as specified by SAP - (§40.305)
- Evidence of any follow-up drug and/or alcohol test performed since the return to duty test - (§ 40.309)
- Evidence of the company's complete drug and alcohol testing policy - (§ 382.601(b)) – must include all elements
- Evidence of receipt of drug and alcohol testing policy for each driver - (§ 382.601(d))

### **Pre-Employment Drug Testing –**

#### **49 CFR §382.301(a) – Using a driver before the motor carrier has received a negative pre-employment controlled substance test result (Critical).**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - Identify the Designated Employer Representative (DER) - (§§ 40.3 and 40.35)
  - Evidence of pre-employment drug test results for driver(s) cited in the investigation and drivers hired in the past 365 days - (§ 382.301)
  - List of all drivers hired within the past 365 days including date of first trip (or copy of first record of duty status/timecard)

### **Post-Accident Drug and Alcohol Testing–**

#### **49 CFR §382.303(a) – Failing to conduct post accident alcohol testing on driver following a recordable crash (Critical), and**

#### **49 CFR §382.303(b) – Failing to conduct post accident testing on driver for controlled substances (Critical).**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - Identify the Designated Employer Representative (DER) - (§§ 40.3 and 40.35)
  - Provide post-accident test results or explanation as to why test not conducted for any driver involved in a crash requiring a post-accident test since last investigation
  - Crash reports for all crashes since the last investigation or carrier statement if none
  - Policies set in place to ensure that drivers involved in DOT recordable accident submit to a drug and alcohol test

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- Evidence of the company's complete drug and alcohol testing policy and driver receipt - (§ 382.601(b))

### Random Drug and Alcohol Test –

**49 CFR §382.305 – Failing to implement a random controlled substance and/or an alcohol testing program (Acute),**

**49 CFR §382.305(b)(1) – Failing to conduct random alcohol testing at an annual rate of not less than the applicable annual rate of the average number of driver positions (Critical), and**

**49 CFR §382.305(b)(2) – Failing to conduct random controlled substances testing at an annual rate of not less than the applicable annual rate of the average number of driver positions (Critical)**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - Evidence of a random testing program (e.g., a contract with a consortium or details of in-house program and a current list of the driver(s) subject to random testing and the list from the consortium) - (§ 382.305)
  - If applicable, evidence of any random drug and/or alcohol test selections and results for all driver(s) since the investigation - (§ 382.305)
  - Evidence of the company's complete drug and alcohol testing policy - (§ 382.601(b))
  - Evidence of receipt of drug and alcohol testing policy for each driver - (§ 382.601(d))

### 49 CFR Part 383

**49 CFR §383.23(a) – Operating a commercial motor vehicle without a valid Commercial Driver's License (Critical)**

**49 CFR §383.37(a) – Knowingly allowing, requiring, permitting, or authorizing an employee who does not have a current Commercial Learner's Permit or Commercial Driver's License with the proper class or endorsements, or who operates a commercial motor vehicle in violation of any restriction on the Commercial Learner's Permit or Commercial Driver's License to operate a commercial motor vehicle (Acute),**

**§49 CFR 383.37(b) – Knowingly allowing, requiring, permitting, or authorizing an employee with a Commercial Driver's License which is suspended, revoked, or canceled by a state or who is disqualified to operate a commercial motor vehicle (Acute),**

**49 CFR §383.37(c) – Knowingly allowing, requiring, permitting, or authorizing an employee with more than one commercial driver's license to operate a commercial motor vehicle (Acute), and**

**49 CFR §383.51(a) – Knowingly allowing, requiring, permitting, or authorizing a driver to drive who is disqualified to drive a commercial motor vehicle (Acute)**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action

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- Examples of documentation may include:
  - Evidence that driver(s) in violation has obtained a current /proper CDL or resolved the disqualification offense, suspension, revocation, cancellation, and/or no longer is employed by you
  - If a driver has a CDL issued by foreign country, run CDLIS check and include in query in the request documentation
  - Describe procedures of investigation process to verify driver's licenses are valid (Example; driver notification of speeding tickets, etc.)

### **49 CFR Part 387**

#### **Insurance and Proof of Financial Responsibility**

**49 CFR §387.7(a) – Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage (Acute),**

**49 CFR §387.7(d) – Failing to maintain at principal place of business required proof of financial responsibility (Critical),**

**49 CFR §387.31(a) – Operating a passenger carrying vehicle without having in effect the required minimum levels of financial responsibility (Acute), and**

**49 CFR §387.31(d) – Failing to maintain at principal place of business required proof of financial responsibility for passenger vehicles (Critical).**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - Provide a copy of the MCS-90 and/or MCS-82 Endorsement form(s).

### **49 CFR Part 390**

#### **Accident Reports and Register**

**49 CFR §390.15(b)(2) - Failing to maintain copies of all accident reports required by State or other governmental entities or insurers. (Critical)**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - Copies of all accident reports required by State or other governmental entities or insurers that have occurred in the past three years
  - A copy of the company's accident register that contains all the required elements to include; the date of each accident(s) that has occurred in the past three years, the city, town, location, and State where the accident occurred, the name of each company driver involved in the accident, the number of

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injuries in each accident, the number of fatalities in each accident, and/or indicate if a hazardous material was released

### **Fraudulent records and/or statements –**

#### **49 CFR §390.35 – Making, or causing to make fraudulent or intentionally false statements or records and/or reproducing fraudulent records. (Acute)**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - If possible, evidence that fraudulent records are replaced by the true, current and accurate records.
  - Statements that officials/principles will not make and/or cause to make false statements or records and/or reproduce fraudulent records
  - Copies of policies and/or procedures to address the disciplinary measures and consequences when employees provide false statements or records and/or reproduce fraudulent records

### **49 CFR Part 391**

#### **49 CFR §391.11(b)(4) – Using a physically unqualified driver. (Acute)**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - Evidence that the driver is no longer physically disqualified and/or is no longer employed by you
  - Policies and procedures implemented to ensure drivers are physically qualified
  - If applicable, evidence that driver has obtained a Skill Performance Evaluation (SPE) Certificate and/or a waiver issued by FMCSA or equivalent

#### **49 CFR §391.15(a) - Using a disqualified driver. (Acute)**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - A copy of the DMV/MVD record of the State issuing agency that demonstrates the issue was resolved

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- Describe procedures of investigation process to verify driver's licenses are valid

### Medical Certificates –

**49 CFR §391.45(a) – Using a driver not medically examined and certified (Critical), and  
49 CFR §391.45(b)(1) - Using a driver not medically examined and certified during the preceding 24  
months. (Critical)**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - Copy of medical examiner's certificates.
  - Procedures to monitor medical certificate expiration dates and medical re-qualification/conditions

### Driver Qualification File and Documents –

**49 CFR §391.51(a) – Failing to maintain driver qualification file on each driver employed (Critical), and  
49 CFR §391.51(b)(2) – Failing to maintain inquiries into driver's driving record in driver's qualification  
file (Critical), and  
49 CFR §391.51(b)(7) – Failing to maintain medical examiner's certificate in driver's qualification file.  
(Critical)**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - Complete driver qualification files.
  - Inquiries into drivers' driving records.
  - Copy of medical examiner's certificates.

### 49 CFR Part 392

#### Violations of laws, ordinances, and regulations –

**49 CFR §392.2 – Operating a motor vehicle not in accordance with the laws, ordinances, and regulations  
of the jurisdiction in which it is being operated. (Critical)**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action

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- Examples of documentation may include:
  - Policies and procedures implemented to address laws, ordinances and regulations the motor carrier and/or drivers are not complying with.
  - Proof of disciplinary actions taken in accordance with policy, if any
  - Address any violations that occurred since the investigation

**Driving a CMV under the influence or possession of a controlled substance and/or alcohol –  
49 CFR §392.4(b) – Requiring or permitting a driver to drive while under the influence of, or in possession of, a narcotic drug, amphetamine, or other any other substance capable of rendering the driver incapable of safely operating a motor vehicle (Acute),  
49 CFR §392.5(b)(1) - Requiring or permitting a driver to drive a motor vehicle while under the influence of, or in possession of, an intoxicating beverage (Acute), and  
49 CFR §392.5(b)(2) - Requiring or permitting a driver who shows evidence of having consumed an intoxicating beverage within 4 hours to operate a motor vehicle (Acute).**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - Evidence of disciplinary action conducted for the driver in violation.
  - Policies and procedures to deter use of drugs and/or alcohol while operating a CMV.
  - Proof of any action required by 49 CFR Part 382

**Unsafe driving –  
49 CFR §392.6 – Scheduling a run which would necessitate the vehicle being operated at speeds in excess of those prescribed. (Critical)**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - Documentation of instruction and training provided to management staff on safe dispatching practices
  - Documentation of instruction and training provided to drivers on managing on-duty and rest time to ensure trips are safely conducted
  - Evidence of disciplinary and incentive policies for safe driving practices

**Cargo securement –  
49 CFR §392.9(a)(1) – Requiring or permitting a driver to drive without the vehicle's cargo being properly distributed and adequately secured. (Critical)**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur



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- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - Documentation of training and/or instruction provided to drivers on cargo securement requirements, cargo distribution, periodic inspection of the cargo and the devices used to secure cargo during transit and outline of agenda
  - Evidence of disciplinary and incentive policies for safe driving practices
  - Proof of disciplinary and incentive action taken in accordance with policy, if any
  - Address any violations since the investigation

### 49 CFR Part 395

#### Excess Driving Hours of Service Violations –

**49 CFR § 395.3(a)(1) – Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours (Critical),**

**49 CFR § 395.3(a)(2) – Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty (Critical),**

**49 CFR § 395.3(b)(1) – Requiring or permitting a property-carrying commercial vehicle driver to drive after having been on duty more than 60 hours in 7 consecutive days (Critical),**

**49 CFR § 395.3(b)(2) – Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty more than 70 hours in 8 consecutive days (Critical),**

**49 CFR § 395.5(a)(1) – Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive more than 10 hours (Critical),**

**49 CFR § 395.5(a)(2) – Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty 15 hours (Critical),**

**49 CFR § 395.5(b)(1) – Requiring or permitting a passenger-carrying commercial vehicle driver to drive after having been on duty more than 60 hours in 7 consecutive days (Critical), and**

**49 CFR § 395.5(b)(2) – Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty more than 70 hours in 8 consecutive days (Critical).**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Describe the system implemented to ensure compliance with Hours of Service requirements, which include safety management controls to:
  - ensure logs are completed/submitted/maintained,
  - **identify hours of service violations,**
  - verify the accuracy of logbooks, and
  - the supporting documents that will be used to check for falsification
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation **must include at minimum:**
  - Log audit summaries for a 30 day period for 5 (or all, for carriers with less than 5) drivers, including any drivers identified in the CR report with HOS violations. The audit summary must include:

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- the number of missing logs and drivers' logs checked for hours of service violations,
  - the number of logs checked for accuracy
  - the number of logs determined to have been falsified
  - the names of drivers found in violation by violation date and type
  - Include all the logs and supporting documents used in audit
  - Any progressive disciplinary policy and actions that resulted from the log audit for violations discovered.
- Examples of documentation may also include:
- Discipline measures for carrier officials and/or safety management staff that knowingly and willfully allow hours of service violations and falsification of logs
  - Evidence of training to employees with hours of service performance issues that can be addressed by enhancing their knowledge, skills, and management

### 49 CFR §395.8(a)(1) – Failing to require driver to make a record of duty status (Critical),

### 49 CFR §395.8(i) – Failing to require driver to forward within 13 days of completion, the original record of duty status (Critical),

### 49 CFR §395.8(k)(1) – Failing to preserve driver's record of duty status for 6 months (Critical),

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Describe the system implemented to:
- **ensure logs are completed/submitted/maintained,**
  - identify hours of service violations,
  - verify the accuracy of logbooks, and
  - the supporting documents that will be used to check for falsification
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation **must include at minimum:**
- Log audit summaries for a 30-day period. The audit summary must include:
  - the number of drivers' logs checked for missing logs and hours of service violations
  - the number of logs checked for accuracy
  - the number of logs determined to have been falsified
  - the names of drivers found in violation by violation date and type, and
  - Include all the supporting documents used in audit
  - Evidence that drivers have made/submitted logs or timecards for a 30-day period
  - Progressive disciplinary policy and actions that resulted from the log audit for violations discovered
- Examples of documentation may also include:
- Discipline measures for carrier officials and/or safety management staff that knowingly and willfully allow hours of service violations and falsification of logs
  - Evidence of training to employees with hours of service performance issues that can be addressed by enhancing their knowledge, skills, and management

### 49 CFR §395.8(e) – False reports of records of duty status (Critical),

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur



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- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Describe the system implemented to:
  - ensure logs are completed/submitted/maintained
  - identify hours of service violations
  - **verify the accuracy of logbooks**
  - the supporting documents that will be used to check for falsification
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation **must include at minimum**:
  - Evidence of log audit summaries for a 30 day period. The audit summary must include:
    - the number of drivers' logs checked for missing logs and hours of service violations
    - the number of logs checked for accuracy
    - the number of logs determined to have been falsified
    - the names of drivers found in violation by violation date and type
  - Include all the supporting documents used in audit
  - Progressive disciplinary policy and actions that resulted from the log audit for violations discovered
- Examples of documentation may also include:
  - Discipline measures for carrier officials and/or safety management staff that knowingly and willfully allow hours of service violations and falsification of logs
  - Evidence of training to employees with hours of service performance issues that can be addressed by enhancing their knowledge, skills, and management

### 49 CFR §395.8(k)(1) - Failing to preserve driver's record of duty status supporting documents for 6 months (Critical).

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Describe the system implemented to:
  - ensure logs are completed/submitted/maintained
  - **ensure supporting documents are submitted and maintained for six months**
  - identify hours of service violations
  - verify the accuracy of logbooks
  - the supporting documents that will be used to check for falsification
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation for 5 (or all, for carriers with less than 5) drivers, including any drivers identified in the CR report with HOS violations to include:
  - Evidence of log audit summaries for a 30 day period. The audit summary must include:
    - the number of drivers' logs checked for missing logs and hours of service violations
    - the number of logs checked for accuracy
    - the number of logs determined to have been falsified
    - the names of drivers found in violation by violation date and type
    - Include all the supporting documents used in audit (including any bills of lading, invoices, fuel receipts, toll receipts, weight tickets, etc.)

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- Examples of documentation may also include:
  - Any progressive disciplinary policy and actions that resulted from the log audit for violations discovered
  - Discipline measures for carrier officials and/or safety management staff that knowingly and willfully allow hours of service violations and falsification of logs
  - Evidence of training to employees with hours of service performance issues that can be addressed by enhancing their knowledge, skills, and management

### **49 CFR Part 396**

#### **No Maintenance Files –**

#### **49 CFR §396.3(b) – Failing to keep minimum records of inspection and vehicle maintenance (Critical).**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - Complete maintenance records that include:
    - The identification of the vehicle including company number, if so marked, make, serial number, year, and tire size
      - If the motor vehicle is not owned by the motor carrier, identify the name of the person furnishing the vehicle
      - Evidence of recording a means to indicate the nature and due date of the various inspection and maintenance operations to be performed
      - Evidence of inspection, repairs, and maintenance indicating their date and nature
    - If applicable, a record of tests conducted on push-out windows, emergency doors, and emergency door marking lights on buses (every 90 days)

#### **Operating a commercial motor vehicle declared out of service -**

#### **49 CFR §396.9(c)(2) – Requiring or permitting the operation of a motor vehicle declared “out-of-service” before repairs were made (Acute).**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - Evidence that the out-of-service condition was repaired.
  - Instructions provided to management staff and drivers on company procedures to report and repair defects for vehicles declared out-of-service
  - Evidence of out-of-service vehicle inspections since the investigation and evidence of corresponding repairs

## Checklist guidance for Safety Rating Upgrade Request Based on Corrective Action Passenger Carriers

### Daily Vehicle Inspection Reports –

**49 CFR §396.11(a) – Failing to require driver to prepare driver vehicle inspection report (Critical), and 49 CFR §396.11(c) – Failing to correct out-of-service defects listed by driver in a driver vehicle inspection report before the vehicle is operated again (Acute).**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - Evidence that driver vehicle inspection reports (DVIRs) were submitted by drivers for a 30-day period
  - Evidence that defects or deficiencies reported on the DVIRs were repaired
  - Instructions provided to management staff, mechanics and drivers on company procedure to report, repair any defects or deficiencies and certify defects or deficiencies have been repaired for vehicles

### Annual Inspections -

**49 CFR §396.17(a) – Using a commercial motor vehicle not periodically inspected (Critical), and 49 CFR §396.17(g) – Failing to promptly repair parts and accessories not meeting minimum periodic inspection standards (Acute).**

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - Evidence of periodic (annual) inspection from sampling of commercial motor vehicles to include those found in violation during investigation
  - If applicable, evidence that defects or deficiencies reported on the periodic inspection were repaired
  - Describe monitoring procedures to have all commercial motor vehicles periodically inspected, and proof of inspector qualifications as per 396.19 and 396.25

### Out-of-Service Rate

#### Vehicle Out-of-Service Rate (OOS Rate) 34% or higher

- Describe the deficiencies in your operation that allowed this pattern of out-of-service violations to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Describe, in detail, the systematic inspection, repair, maintenance and periodic inspection program implemented and how it will reduce your out-of-service rate
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - Evidence of systematic inspections, repairs, maintenance and periodic inspection of the parts and accessories of all commercial motor vehicles subject to its control
  - Evidence of methods to prevent out-of-service defects

## Checklist guidance for Safety Rating Upgrade Request Based on Corrective Action Passenger Carriers

- Policies and Procedures to maintain its vehicles in safe and proper operating conditions at all times, if any
- If any roadside inspections since the close of the compliance review have vehicle out-of-service violations, verify that the OOS defects and/or deficiencies have been repaired and corresponds to preventive maintenance plan
- Evidence of Inspector and/or Brake Inspector qualifications
- If any, OOS defect reporting/ repair procedure, evidence of Driver / Shop training addressing pre-trip inspections, DVIR reporting procedures, and DVIR defect repair process

### **Crash Rate**

#### **Unsatisfactory Crash Rate (Factor 6)**

- Describe the deficiencies in your operation that allowed this pattern of crashes to occur
- If your company has been cited with this, explain why any corrective action you took previously was unsuccessful in preventing additional crashes
- Describe, in detail, your accident countermeasure/crash reduction program and how it will reduce your crash rate
- Describe, in detail, a crash analysis of all recordable crashes that occurred in the past 365 days and any action taken in response to this analysis
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
  - Evidence of an accident countermeasure program that includes:
    - defensive driving training
    - terrain / weather specific driving tips
    - identification of causative factors
    - preventive measures implemented to reduce crashes
    - system for determining preventability of crashes
  - Evidence of an analysis of the cause(s) of each accident noted on the most recent compliance investigation, and any that have occurred since the investigation along with corresponding crash reports
  - Evidence of counseling of drivers involved in recordable crashes and discussions of accident countermeasures. Periodic safety meetings to discuss accident prevention techniques, accident countermeasures, and defensive driving
  - Evidence of a disciplinary policy regarding multiple accidents and moving violations
    - Evidence of remedial education of drivers having recordable crashes and a history of negligent driving
    - Evidence of methods to identify drivers exhibiting dangerous or negligent driving behavior
    - Evidence of the implementation of positive accident prevention measures, if applicable



	<b>LET'S MOVE (LETS MOVE LLC dba)</b> U.S. DOT #: 3691011	Review Date: 03/28/2024
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**Safety Fitness Rating Explanation**

**OVERALL SAFETY FITNESS RATING**

Number of Factors (1-6) shown above as less than satisfactory

Unsatisfactory	Conditional	=	UNSATISFACTORY
2	0		

**FORMULA TO CALCULATE THE OVERALL SAFETY FITNESS RATING**

Number of Factors

	Unsatisfactory	Conditional	OVERALL RATING
	0	2 or fewer	Satisfactory
	0	3 or more	Conditional
	1	2 or fewer	Conditional
	1	3 or more	Unsatisfactory
û	2	0 or more	Unsatisfactory

